



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number

(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Thomas Cieniewicz (b) Doc# 1191016  
(Name) (Inmate number)
- (c) 400 Albemarle Dr.  
(Address)

Chesapeake, Va. 23322

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Dr. Ghafourpour DDS (b) Dentist  
(Name) (Title/Job Description)
- (c) 400 Albemarle Dr.  
(Address)

Chesapeake, Va. 23322

2. (a) Alex Taylor M.D. (b) Physician  
 (Name) (Title/Job Description)  
 (c) 400 Albemarle Dr.  
 (Address)  
Chesapeake, Va. 23322
3. (a) 1st Sgt. Elliott (b) 1st. Sgt. Workforce  
 (Name) (Title/Job Description)  
 (c) 400 Albemarle Dr.  
 (Address)  
Chesapeake Va. 23322

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

## II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [☒] No [☐]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

### 1. Parties to previous lawsuit:

Plaintiff(s) Thomas Cieniewicz  
 Defendant(s) Common Wealth of Virginia -  
Harold W. Clarke

### 2. Court (if federal court, name the district; if state court, name the county):

Circuit Court in the City of Chesapeake

3. Date lawsuit filed: July 27, 2021

4. Docket number: CL 21-4869

## B. Defendants

4. Well Path (Health Care) - Supervisors and Staff/Nurses  
400 Albemarle Dr.  
Chesapeake, Va. 23322

\* It took weeks to obtain certain Individuals names and Organizations they worked for. I was treated like an enemy seeking closely guarded secrets. Being an inmate my reach is somewhat limited and I have been hindered by both Deputies and Nursing Staff while attempting to obtain necessary information.

5. Name of Judge to whom case was assigned: Hon. Alan P. Krasnoff  
Clerk

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):

Dismissed

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:

Chesapeake City Jail

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☐]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☐] No [☒]

2. If so, where and when: Made several attempts denied by Sgts.

3. What was the result? Not a grievable matter

4. Did you appeal? Yes [☐] No [☐]

5. Result of appeal: Asked to speak to higher authority's denied.

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No [☐]

If your answer is Yes, what steps did you take? Trayed using paper chain of command to no avail.

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

Had my direct Supervisor go to 1st Sgt. Elliott who stated he could get me seen by the Dentist.

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

#1 My Eighth amendment rights were seriously violated when my Medical needs (Toothache) were not addressed in a timely fashion by the Dental and Medical Departments of the Chesapeake City Jail, thus causing grievous bodily harm as well as a near death situation to occur.

(Please see Attached)

#2 The setup by the Medical Dept. to dispense prescription Medication is a Deliberate indifference to my serious medical condition. There is no regard as far as a timely distribution of prescribed medicines.

(Please See Attached)



#### IV

#3 1st Sgt. Elliott was contacted by Deputy Olsen several times in regards to the severe pain I was suffering. I personally spoke with him and he stated that he could "get me in the Dentists chair with a phone call," and that he had done it recently for someone else. The fact that he disregarded my needs constitutes wanton and gross negligence on his part as a Supervisor.  
(Please see attached)

IV

#1 Early May 2021 I lost a filling out of a Molar, I submitted a Health Services Request on 5/18/21 asking to be seen by Dental. I was given a 7 day prescription of Tylenol and told I was on the Dental list. As my prescriptions ended and my pain increased I continued to pester the Health Care Staff, Pod Deputies as well as Deputy Olsen, I submitted Health Service Request Forms Monthly. I was placed on a full time prescription of Tylenol to which Naproxin was also added as the severity of pain worsened. I requested grievances multiple times and was referred to several different Sergeants who informed me it was a non-grievable offense but they would make my condition known to the Dental Department. By the end of August into September the pain was becoming unbearable and I was complaining at every pill call. I was informed in a very demeaning way by nurse Cumming's that its my own fault for being incarcerated. This was when they added Naproxin to my Tylenol prescription in an attempt to alleviate the pain. I was in the Work Force program through this entire ordeal.

IV

#1 cont.

On Nov. 4, 2021 at approximately 1:55 PM while sitting in the passenger seat of the Van I began to feel nauseous and started sweating profusely, I stated to Deputy Olsen that I wasn't feeling well and then immediately lost consciousness. I came to lying on the back top with a defibrillator hooked to my chest. I was later told they were going to zap me cause they couldn't find a pulse. I had blood all down the front of my shirt that I had regurgitated. When the EMT's arrived I was loaded in an ambulance to be transported, they immediately started an IV my blood pressure was extremely low. I was transported to Chesapeake Regional Medical Center's Emergency Room. After several hours of Scans and Tests it was determined that I had an upper GI Bleed, I was scheduled for an immediate procedure and admitted to the hospital. In the early hours of Nov. 5, 2021 a Physician came and told me about the procedure and stated that after reviewing my medical records from Chesapeake City Jail it was apparent prolonged ingestion of Naproxin had eaten a hole in my Duodenum right on a Major



IV

#1 Cont.

Blood Vessel. He also stated that the only thing that prevented me from bleeding out completely was the fact that Deputy Olsen drug me out of the seat and layed me on the ground and elevated my feet, thus causing the blood in my stomach to flow to the bleed and allow it to clot. I went through a procedure where they went down my throat and cauderized the bleed as well as several other ulcerations. The GI doctor visited me after and stated that he had rarely seen such damage and that Naproxin is only supposed to be administered in 2 week closes on a Bi-monthly basis and should only be taken with food. He told me I would have to take a medicine, Protonix for the rest of my life and regulate my diet refraining from Acidic foods. After 5 days I was discharged back to the jail with an aftercare protocol that stated in Bold letters NO NAPROXIN and needs to see a dentist immediately. My paperwork remained on the Deputies desk in the Medical Block for 18 hours, and was still there after getting my tooth pulled early the next morning and hearing many apoligies for the delay

IV

#1/cont and the damage it caused. That day and for the next two weeks they still tried to give me Naproxin. The after-care protocol was completely disregarded, I submitted a health services request form asking for a Medical Supervisor to come and speak to me in regards to this matter and I am still waiting. I had been incarcerated for 25 months at the time of this incident leaving no doubt that this is the fault of this institution and those employed by it. The pain and suffering that I endured for months is a travesty in this day and age.

#2 Even after several complaints addressed to both Medical and Jail staff members Medication is still being dispensed in an horrific way. There are two main Pill Calls per day and they happen at most within a six hour span, 9 PM and 3 AM. Frequently they happen in as little as a three hour span 11 PM and 2 AM. They have no regard for the fact that most Meds should be taken with food or that the time span for ingestion of these Medications should be spaced further apart. I am

#### IV

#2 I am sure that the AMA standards for such things is being totally ignored. This is a wanton and Deliberate indifference to my medical needs and has thus caused me grievous bodily harm. I do believe this can be construed as sub standard care by Well Path Medical Services.

#3 1st Sgt. Elliott showed gross negligent behavior when he, after repeated phone calls and conversations chose to ignore my pleas through proper channels for relief to my pain and suffering. Especially after he point blank bragged to me that he had just gotten another Work Force Inmate in the Dentists Chair. Being a First Sergeant he should be setting an example with his leadership abilities and addressing matters of importance such as this.

## V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. TMC (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 750,000.00  
☒ Grant injunctive relief by Reprimand + Restructure Medical Dept  
Other \_\_\_\_\_

## VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Chesapeake City Jail - 400 Albemarle Dr. Chesapeake Va.  
23322

## VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [☒] No [ ]. You may consent at any time; however, an early consent is encouraged.

## VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 2nd day of February, 2022.  
Plaintiff Ther M. [Signature]